

Serial No.: 10/810,956

Confirmation No.: 9825

Filed: March 26, 2004

For: THERMAL SURGICAL PROCEDURES AND COMPOSITIONS

Remarks

The Office Action mailed April 13, 2007, has been received and reviewed. The cancellation (without prejudice) of claims 1-6 and 32-34 is proposed in this response. Claims 7-31 were previously canceled. As a result, claims 35-52 will remain pending upon entry of the amendments proposed herein.

Reconsideration and withdrawal of the rejections in view of the amendments and the following comments are respectfully requested.

Claims 35-52

Applicants note that claims 35-52 are indicated as allowable in view of the prior art.

The 35 U.S.C. §102 Rejection

The Examiner rejected claims 1, 3-6, and 32 under 35 U.S.C. §102(b) as being anticipated by Edwards (U.S. Patent No. 5,472,441).

Applicants do not necessarily agree with the Examiner's rejection. However, in the interest of advancing the present application to allowance, claims 1, 3-6, and 32 have been canceled, thereby rendering above rejection moot. Reconsideration and withdrawal of the above rejections of claims 1, 3-6, and 32 are respectfully requested. Applicants further expressly reserve the right to traverse any rejection of any of claims 1, 3-6, and 32, and any assertions made in support of those rejections, in any continuation patent application.

The 35 U.S.C. §103 Rejection

The Examiner rejected claims 1 and 2 under 35 U.S.C. §103(a) as being unpatentable over Daniel (U.S. 2002/0133148 A1) in view of Edwards (U.S. Patent No. 5,472,441).

The Examiner rejected claim 33 under 35 U.S.C. §103(a) as being unpatentable over Edwards (U.S. Patent No. 5,472,441) in view of Krieg (U.S. 2003/0050268 A1).

The Examiner rejected claim 34 under 35 U.S.C. §103(a) as being unpatentable over

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Edwards (U.S. Patent No. 5,472,441).

Applicants do not necessarily agree with the Examiner's rejections. However, in the interest of advancing the present application to allowance, claims 1, 2, 33, and 34 have been canceled, thereby rendering above rejections moot. Reconsideration and withdrawal of the above rejections of claims 1, 2, 33, and 34 are respectfully requested. Applicants further expressly reserve the right to traverse any rejection of any of claims 1, 2, 33, and 34, and any assertions made in support of those rejections, in any continuation patent application.

Summary

It is respectfully submitted that the pending claims 35-52, are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted

By

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12 JULY 2007
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CERTIFICATE UNDER 37 CFR §1.10:

"Express Mail" mailing label number: EV201879161 US

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The undersigned hereby certifies that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to **Mail Stop AF**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Sandy Truehart
Name: Sandy Truehart